

1 STATE OF MICHIGAN  
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3 IN THE CIRCUIT COURT FOR THE COUNTY OF ST. CLAIR  
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5 FAMILY DIVISION  
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8 DANA ALBRECHT,  
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10 PLAINTIFF  
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12 vs FILE NO: B 21-769 DC  
13  
14 KATHERINE ALBRECHT,  
15  
16 DEFENDANT  
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18  
19 MISCELLANEOUS HEARING  
20  
21 HEARD BY THE HONORABLE ELWOOD L. BROWN  
22  
23 THURSDAY, JULY 15, 2021 - PORT HURON, MICHIGAN  
24  
25 APPEARANCES:  
26  
27 FOR THE DEFENDANT: MR. TIMOTHY WEGMEYER  
28 ATTORNEY AT LAW  
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30 Marine City, Michigan 48039  
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32  
33 ALSO PRESENT: MR. DANA ALBRECHT  
34 PLAINTIFF  
35  
36 MS. KATHERINE ALBRECHT  
37 DEFENDANT  
38  
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40  
41 RECORDED BY: MS. CHRISTINE A. REGAN, CER 4832  
42 CERTIFIED ELECTRONIC RECORDER  
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WITNESSES:

NONE

EXHIBITS:

NONE

94 Thursday, July 15, 2021

95 Port Huron, Michigan

96 (At 11:04 a.m., proceeding began)

97 THE COURT: Albrecht versus Albrecht. Counsel, your  
98 appearance, please.

99 MR. WEGMEYER: For the record, your Honor, Tim Wegmeyer  
100 appearing on behalf of—its Albrecht on the pleadings, her name  
101 is--she actually goes by Minges.

102 THE COURT: I'm just going by the pleadings.

103 MR. WEGMEYER: But we're going to refer to her as Dr.  
104 Albrecht today.

105 THE COURT: When you address the Court it would be good if  
106 you stood. It would be good if you stood up when you address the  
107 Court.

108 MR. WEGMEYER: I'm sorry.

109 THE COURT: All right. So—you can have a seat now, Mr.  
110 Wegmeyer.

111 Are you Dana Albrecht?

112 MR. ALBRECHT: Yes, your Honor.

113 THE COURT: All right, it's your motion, go ahead.

114 MR. ALBRECHT: So, I'd just like the Court to enforce  
115 existing orders with the New Hampshire Family Court. Forgive me,  
116 I'm pro se if I speak a little slowly and I'm a little nervous.  
117 This has been an extensive long going battle between myself and  
118 Dr. Albrecht over here. And I'm really just looking to have  
119 parenting with my kids and I'm just looking to have a relationship  
120 with my kids. And, while we are working this out in New  
121 Hampshire, I'm very concerned that Dr. Albrecht essentially moved

122 out here without notice to me. I found out about it months later  
 123 when I found out my daughter was in an emergency room here. She  
 124 purchased the house here on October 15<sup>th</sup>. On November 6<sup>th</sup> she  
 125 testified under oath to the Court in California—excuse me, to the  
 126 Court in New Hampshire that she lived in California—

127 THE COURT: Mr. Albrecht, none of that concerns me.

128 MR. ALBRECHT: Okay. What would you like to know, sir, and  
 129 I'll do my best to address it.

130 THE COURT: It's your Motion, all I'm doing is having you  
 131 focus on what's relevant here.

132 MR. ALBRECHT: Okay. So, I think what's relevant—

133 THE COURT: Excuse me just a minute. You want to take your  
 134 hat off. Mr.—he's got to take his hat off, this is a courtroom.  
 135 Go ahead.

136 MR. ALBRECHT: I think what's relevant, your Honor, is we've  
 137 gone years without having court orders followed. And now that Dr.  
 138 Albrecht is here in Michigan I'd like to see those orders followed  
 139 when she's in Michigan. And, I'd like the assistance of the Court  
 140 to basically say that the Orders out of 9<sup>th</sup> Circuit will be follow  
 141 and they're registered here and that you have a copy—this Court  
 142 has a copy in their case there's anything the New Hampshire Court  
 143 needs assistance with from Michigan.

144 THE COURT: All right, you can have a seat. Mr. Wegmeyer,  
 145 your response.

146 MR. WEGMEYER: Thank you, your Honor. Your Honor, the only  
 147 thing at issue today is whether this Court is going to take  
 148 jurisdiction of this matter under the Uniform Child Custody Act.  
 149 Under the requirements for that is that there's an Order that's

150 enforceable in this State. And, I've attached as my exhibit B,  
151 first of all, my exhibit A, and I don't know how much—I apologize  
152 for the volume of information because I haven't been looking at it  
153 —Mr. Albrecht served me with over a thousand pages of document,  
154 discovery requests, et cetera. It's an ongoing thing that I have  
155 a copy of the 9<sup>th</sup> Circuit index—pleadings index, if your Honor  
156 would like to see it, it's unbelievable. There's four-hundred and  
157 five entries; three hundred and ninety three pleadings filed, it's  
158 just—and I'm afraid if this Court takes jurisdiction this is just  
159 going to keep going and going.

160 But, back to the point, the last Order out of the New  
161 Hampshire Court is attached as Exhibit B to my response. And it  
162 indicates that any parenting time—there's going to be a temporary  
163 parenting time in May, which took place, very short, with the  
164 youngest daughter it was five or six hours and the oldest  
165 daughter, who is seventeen, was five minutes. That's the first  
166 parenting time since Christmas of 2019—

167 MS. ALBRECHT: '18.

168 MR. WEGMEYER: '18. It was very bad circumstances and the  
169 children refused to see their father after that. So, five  
170 minutes, with the oldest child, and a few hours only on my  
171 client's assistance that you go and try to do it. She did it and  
172 it was very tough. She's written another letter to the Court  
173 which I would provide to you. Under the last—the temporary Order  
174 out of New Hampshire, it says there's going to be some short—a  
175 two and a half hour duration, that took place, that was bad.  
176 Pending further order all such periods shall occur in New  
177 Hampshire and I believe they were in a public place because the

178 girls don't want to be alone with him in private. Any further  
179 such period shall be contingent upon the children's preferences  
180 and their comfort levels. So, there's no mandatory parenting  
181 time, it's up to the children whether or not they want to schedule  
182 time with him they are free to do that. Petitioner's extended  
183 parenting time in the Summer of 2021 is temporarily suspended.

184 That Order is going to be reviewed on August 6<sup>th</sup>. And I  
185 spoke with New Hampshire counsel—I apologize, your Honor, I have  
186 new teeth and I'm having a tough time—

187 THE COURT: I understand what you're saying.

188 MR. WEGMEYER: Anyway, August 6<sup>th</sup> the Court is going to  
189 review that and see how the parenting time went and determine then  
190 whether there's going to be any parenting time or if it's going to  
191 be suspended for another period of time; whether it's going to be  
192 terminated, et cetera. And, it's my position we shouldn't, right  
193 at this point, there was a never—which is a requirement under the  
194 Act, that's enforceable in this Court. Well, there's never been a  
195 Court Order that provides for parenting time in the State of  
196 Michigan. There's no support—

197 THE COURT: Under the UCCJEA, you don't have to have one in  
198 Michigan. What Mr. Albrecht's asking for is for me to enforce  
199 another State's order.

200 MR. WEGMEYER: I understand.

201 THE COURT: So, it doesn't have to be my order that I'm  
202 enforcing.

203 MR. WEGMEYER: No, I understand. But I'm saying that there's  
204 no—even if we took the New Hampshire Court Order—

205 THE COURT: I understand what you're saying. But I just

206 wanted it to be clear from what you just said that there's no  
207 order in Michigan and he's asking for an Order in Michigan.

208 MR. WEGMEYER: No. I'm saying—I was saying there was no  
209 Court Order out of New Hampshire that provides for any parenting  
210 time in the State of Michigan.

211 THE COURT: That's not what you said.

212 MR. WEGMEYER: Well, I apologize.

213 THE COURT: It might have been what you meant but it's not  
214 what you said.

215 MR. WEGMEYER: That's what I meant.

216 THE COURT: All right.

217 MR. WEGMEYER: There's nothing in New Hampshire that requires  
218 any parenting time—it says it's going to take place in New  
219 Hampshire. Mr. Albrecht filed simultaneously the same action in  
220 California as he did here with no legal basis. There's no Nexus  
221 to California whatsoever for either party. This is just a  
222 continuation of abusing the judicial system, your Honor. His  
223 Attorney filed in New Hampshire is nine banker boxes. We're just  
224 into this a week and we've got a thousand pages. Your Honor, if  
225 you take jurisdiction in this matter now, and you might end up, I  
226 admit that if the Court in New Hampshire says parenting time is  
227 going to happen—right now there is no parenting time to enforce.  
228 And, Mr. Albrecht is the one paying all be it, very little, 50.00  
229 a month, a man with a Harvard Education. He's the one that, if  
230 there's any enforcement for child support, it would take place in  
231 New Hampshire. But he is up to date on his 50.00 a month.  
232 There's nothing that this Court needs to enforce.

233 And, I do have attached as Exhibit B(3) is the Notice of

234       Hearing for August 6<sup>th</sup> in New Hampshire.

235               I would direct your attention, your Honor, I know it's on the  
236       merits, if this Court were to assume jurisdiction--but the letters  
237       from the children are attached as exhibits, the Court should be  
238       aware of their position. They are fourteen and seventeen. I know  
239       them very casually and I've never actually spoke to them about  
240       this file but Dr. Albrecht recently started, when she moved to  
241       Michigan, started attending the Church that I belong too and I'm  
242       one of the Church Council members et cetera. I haven't had a  
243       whole lot of contact with the kids but the Youth Pastor has  
244       indicated they are just wonderful intelligent--

245               THE COURT: Mr. Wegmeyer, that's really not relevant here to  
246       these proceedings.

247               MR. WEGMEYER: I understand.

248               THE COURT: And even their feelings, at this point and time,  
249       are not relevant to this issue because it would be relevant to the  
250       Court in New Hampshire as it would affect the Judge's decision  
251       there on what he ordered.

252               MR. WEGMEYER: Understood, your Honor.

253               THE COURT: But I can't change that order.

254               MR. WEGMEYER: I understand, your Honor.

255               THE COURT: So, if he ordered, for example, that there be  
256       parenting time, the desire of the kids, I can't change that just  
257       because they don't want to do it.

258               MR. WEGMEYER: I understand.

259               THE COURT: He would have to change--he or she would have to  
260       change that in New Hampshire.

261               MR. WEGMEER: Right.



262 THE COURT: So, anything else?

263 MR. WEGMEYER: Nothing, your Honor.

264 THE COURT: All right. Mr. Albrecht, you want to respond.

265 MR. ALBRECHT: A quick procedural thing. I understand Mr.  
266 Wegmeyer's put in exhibits. I have some exhibits in response to  
267 that.

268 THE COURT: No, you should have filed them if you wanted me  
269 to see them. I'm not going to look at them now.

270 MR. ALBRECHT: I don't need you to look at them now, I'd just  
271 like to have them filed. I only got them from him and I had to  
272 fly out and I—

273 THE COURT: Mr. Albrecht, I'm not going to take them. I'm  
274 not the keeper of the records.

275 MR. ALBRECHT: Okay. May I file them with the Court  
276 downstairs?

277 THE COURT: For what purpose?

278 MR. ALBRECHT: They're responsive to Mr. Wegmeyer's exhibits,  
279 which I only received—he promised them to me—

280 THE COURT: No. I'm not going to allow you to just to file  
281 blank exhibits. You could have attached them to your motion right  
282 from the beginning.

283 MR. ALBRECHT: I attached—

284 THE COURT: I'm telling you, I'm not going to take them—

285 MR. ALBRECHT: Okay.

286 THE COURT: --so that's it.

287 MR. ALBRECHT: Okay.

288 THE COURT: What did you have to say in response?

289 MR. ALBRECHT: Give me just a moment to recall his points,

290 sir. Primarily there are other aspects of the Order enforceable  
291 here, such as access to records, access to school stuff and all  
292 that so this isn't just about parenting.

293 THE COURT: That's it.

294 MR. ALBRECHT: If you have questions for me, sir, I'd be  
295 happy to answer them.

296 THE COURT: You can have a seat. First of all, I want to  
297 indicate that your Motion, Mr. Albrecht, not only asks me to  
298 enforce the Order but asks me to require the Respondent to bring  
299 the minor children to law enforcement for purpose of exchanges, to  
300 —frankly, I think that's unconscionable to involve children with  
301 the police. And, there is no way, even if I had the ability to  
302 enforce this—even if the Court in New Hampshire had said, and had  
303 not issued their temporary order, I wouldn't have granted that to  
304 begin with. And I think it's unconscionable that'd you even ask  
305 that your children be taken to the police station and have them  
306 involved. I think that would be detrimental to the children,  
307 period, to have to be gone—taken to a police station. And the law  
308 is clear, now in as much as Ms.—it says Albrecht on the heading  
309 here, is a resident of the State of Michigan, any Orders in the  
310 State of New Hampshire is enforceable here.

311 The current Order, however, suspends parenting time. It did  
312 not suspend the party's joint legal custody as far as having  
313 access to records and things of that nature. So, to the extent  
314 that Mr. Albrecht is asking that I enforce parenting time, I'm not  
315 going to do it because you don't have any, number one, at least  
316 temporarily. And, number two, if any parenting—the only Order  
317 that I've been provided for indicates that the parenting time take

318 place in New Hampshire. So, it's not like you can just come to  
319 Michigan and see the kids. So, as far as records go, at least  
320 until you can show me that you've—for example, on the kids'  
321 schooling, that you have been unable to access them yourself,  
322 because it's not the respondent's responsibility to give them to  
323 you. That part of the provision of the Order simply allows you  
324 access to them from whoever has them. So—and I don't have  
325 jurisdiction over the school in this case and neither does the  
326 Court in New Hampshire. I don't have jurisdiction over medical  
327 records, only hospitals or whoever is the provider has that. They  
328 are not a party to this case. I can simply indicate and agree  
329 that you have joint—what's referred to as joint legal custody and  
330 have the ability to obtain that information. And, to that extent,  
331 I would sign an Order that says that because that's what the  
332 current Order in New Hampshire says, but that's all I'll do. I  
333 will not direct the school, I will not direct the medical facility  
334 to give them to you. If you have problems with them you're going  
335 to have to deal with them directly.

336 MR. ALBRECHT: May I respond.

337 THE COURT: No, this is not a response, I'm issuing a ruling  
338 here. So, your Motion here to the extent that you're asking me to  
339 enforce a parenting time Order is denied because there is no  
340 parenting time Order that I can enforce.

341 To the extent that you're asking to have access in Michigan  
342 to the information that you're seeking, I'm not going to issue  
343 that either because you already have an Order from New Hampshire  
344 that says the same thing. And, to the—and as I indicated, I have  
345 no jurisdiction over those agencies, they are not a party to this

346 case.

347           So, your Motion here, to this extent, I would simply  
348 indicate that to the extent that I have an enforceable issue from  
349 the State of New Hampshire—a Court in the State of New Hampshire,  
350 I will enforce it in Michigan. But, so far I haven't been  
351 presented with an enforceable issue. So, your Motion today is  
352 denied.

353           That's it.

354           MR. WEGMEYER: Thank you, your Honor.

355           (At 11:21 a.m., proceeding concluded)

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357

REPORTER'S CERTIFICATE

358STATE OF MICHIGAN

)

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)

360COUNTY OF ST. CLAIR

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361

362 I hereby certify that this transcript, consisting of 13 pages, is  
363a complete, true and accurate transcript of the proceedings heard in  
364this Court on Thursday, July 15, 2021 before the Honorable Elwood L.  
365Brown.

366

367

368Dated

MS. CHRISTINE A. REGAN, CER 4832

369

201 MCMORRAN BLVD., ROOM 2200

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